

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

---

### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

---

**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

18 November 2015

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 26th November, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 8 October 2015

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/15/03043/FL - Snodland Railway Station High Street 13 - 22  
Snodland

6. Alleged Unauthorised Development 14/00346/USEM - Corio 23 - 28  
Farm Wateringbury Road East Malling

7. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

**Matters for consideration in Private**

**PART 2 - PRIVATE**

8. Exclusion of Press and Public 29 - 30

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

9. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr M Parry-Waller (Chairman)  
Cllr D Lettington (Vice-Chairman)

Cllr M C Base  
Cllr Mrs S Bell  
Cllr T Bishop  
Cllr Mrs B A Brown  
Cllr T I B Cannon  
Cllr R W Dalton  
Cllr D A S Davis  
Cllr Mrs T Dean  
Cllr Mrs S M Hall

Cllr S M Hammond  
Cllr D Keeley  
Cllr S M King  
Cllr D Markham  
Cllr Mrs A S Oakley  
Cllr R V Roud  
Cllr A K Sullivan  
Cllr B W Walker  
Cllr T C Walker

This page is intentionally left blank

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

Thursday, 8th October, 2015

**Present:** Cllr M Parry-Waller (Chairman), Cllr D Lettington (Vice-Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr D Keeley, Cllr S M King, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, Mrs T Dean and D Markham

### PART 1 - PUBLIC

#### **AP3 15/47 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **AP3 15/48 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 16 July 2015 be approved as a correct record and signed by the Chairman.

### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

#### **AP3 15/49 DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP3 15/50 TM/15/00307/FL - HEATH PARK 45 THE HEATH EAST MALLING**

Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage (resubmission of TM/14/03074/FL) at Heath Park, 45 The Heath, East Malling.

**RESOLVED:** That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health and in the supplementary report tabled at the meeting subject to the addition of Informative

5. The applicant is reminded that the installation of any additional structures, including hot tubs, children's play equipment and the like, will need to be the subject of a separate application for planning permission, and that no such development should be carried out unless and until such permission has been granted.

**AP3 15/51 TM/15/00547/FL - 92 THE ROCKS ROAD AND ROCKS FARM EAST MALLING**

Erection of 4 no. residential dwellings and associated access, parking and landscaping on land located at Rocks Farm, The Rocks Road, East Malling at 92 The Rocks, Rocks Road and Rocks Farm, East Malling.

APPLICATION WITHDRAWN FROM AGENDA

**AP3 15/52 TM/15/02456/FL - THE WALNUT TREE 10 BRADBOURNE LANE DITTON**

Temporary 5 year change of use of part of the car park to car wash and valeting use at The Walnut Tree, 10 Bradbourne Lane, Ditton.

**RESOLVED:** That the application be REFUSED for the following reason

1. The proposed use would, by reason of the proximity to residential properties, be likely to result in unacceptable noise and disturbance to these properties, which it has not been clearly demonstrated can be controlled by appropriate conditions. This would consequently result in harm to the residential amenities of the nearby properties which is contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007.

[Speakers: Mr A Piper – Ditton Parish Council; Mr A Mulcuck, Mrs J Elliott, Mr P Beckett, Ms C Newberry, Mr M White and Mr T Gibbons – members of the public; and Mr S Powell – Agent]

**AP3 15/53 TM/15/02503/FL - 206 BIRLING ROAD, SNODLAND**

Demolition of existing house and erection of one detached house and three bungalows with associated parking facilities at 206 Birling Road, Snodland.

**RESOLVED:** That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health and in the supplementary report tabled at the meeting subject to

- (1) the deletion of Condition 3 as set out in the main report as this conflicts with the requirements of Condition 17, which takes precedence;
- (2) as a consequence of (1), Conditions 4 to 19 be re-numbered accordingly as Conditions 3 to 18; and
- (3) the new Condition 16 be amended to read as follows:-

16. Prior to the commencement of the development hereby approved a contoured site plan and scaled sectional drawings shall be submitted to and approved by the Local Planning Authority. The drawings shall show the precise relationship of the slab and finished floor levels of the proposed development, eaves and ridge heights of the approved buildings. The development shall be implemented in accordance with the details as approved.

Reason: In the interests of the residential amenities of the occupants of the adjacent property.

[Speakers: Mr P Morrish, Mrs E Dowsett and Mrs A Atkinson – members of the public; Mr J Chapman – on behalf of the Applicant]

**AP3 15/54 TM/15/02659/FL - 269 MALLING ROAD, SNODLAND**

Demolition of existing detached house and garage and erection of a block of 8 apartments with associated parking, being a re-submission of the scheme approved under consent reference number TM/08/00074 at Dene Hall, 269 Malling Road, Snodland.

**RESOLVED:** That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

**AP3 15/55 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.29 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

---

#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way
SDC	Sevenoaks District Council

SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application



TM/00/02469/LRD Grant 23 November 2000

Details of external colour of footbridge and platform canopy submitted pursuant to condition 4 of consent ref: TM/00/01780/LB (station regeneration works)

TM/88/11526/FUL grant with conditions 7 December 1988

Change of use of first floor to commercial office use.

TM/90/11204/OUT Refuse 1 February 1990

Outline application for mixed residential and light industrial (B1) use.

TM/91/11510/OUT grant with conditions 25 November 1991

Outline Application for light industrial (B1) use. Adj.Snodland Station

TM/93/01044/TEPN planning permission required 1 November 1993

Prior notification application for erection of freestanding tubular 15 metre mast/pole with 2 no. omni-directional antennae and 1 no. dish antenna together with equipment cabinet

TM/98/01429/LB Grant With Conditions 26 January 1999

Listed Building Application: rewire existing electrical system, including renewal of platform lighting

TM/99/00014/LB Refuse 23 March 1999

Listed Building Application: lower existing walls and replace with 1.8m steel railings

TM/05/03107/LB Grant With Conditions 23 June 2006

Listed Building Application for the removal of two semaphore signals from the platforms

TM/09/00216/LB Approved 8 April 2009

Listed Building Consent: Installation of 3 pieces of community art on disused doorways and a disused window on the platform side of Snodland Station building

TM/10/01680/LB Approved 11 August 2010

Listed Building Application: Commemorative plaque

Refurbishment of existing building. Replacement of flat roof. Formation of new internal openings. Restoration of existing historical features. Installation of new sash windows to match historical details. Installation of new skirting's, coving and architraves to match historical details. Installation of new modern ticket office window. Installation of new accessible WC and staff WC areas. Installation of staff mess area

**5. Consultees:**

5.1 TC: Network Rail will be charging for parking in the new car park, pushing commuters into the free spaces opposite where residents would normally park outside their houses. The volume of heavy traffic going to the Paper Mill will cause additional congestion when the buses and lorries are unable to pass, due to the narrowness of the roads which were not built for the volume of traffic. The use of double decker buses which will allow passengers to look directly into the properties opposite causing a lack of privacy.

5.2 Private Reps: 46 + Site and Press Notice 0X/5R/1S.

- Welcome the updating of the station building. Support the application but any new lighting should be angled to not be intrusive to the rear of 87 Church Field. The existing lighting at the crossing should be lowered;
- Concerned that the charging for car parking will force commuters to park on the nearby residential streets. The existing parking problems cause obstruction;
- Network Rail should provide free parking for local residents;
- Adverse impact on road safety from the bus and large number of lorries delivering to the mill;
- Nuisance and loss of privacy to local residents resulting from the bus;
- Existing car park is full of litter and weeds, the station has no upkeep;
- Use West Malling station instead to protect residential amenity. Just for the Holborough development where there is plenty of land for a bus turning circle;
- This is turning a rural station into a mainline station without the infrastructure;
- The improvements will lead to greater use and therefore greater parking problems and nuisance to local residents from bus fumes and the noise of people waiting for the buses;

**6. Determining Issues:**

- 6.1 Members will be aware that the scheme was discussed at the Tonbridge and Malling Joint Transportation Board on 28 September 2015. The scheme is to be funded from the National Stations Improvement Programme (NSIP), developer contributions and the successful West Kent – Tackling Congestion Local Growth Fund (LGF) bid. The objective of the scheme is to boost economic growth by decreasing carbon emissions and reducing congestion.
- 6.2 As presented to Members at the Joint Transportation Board *“the principal scheme aim of the Snodland train station works are to increase sustainable transport journeys in the area, in order to reduce congestion and carbon emissions. There is significant development planned for the surrounding areas, and it is envisaged that providing improved facilities at the station along with the new High Speed service in place since January 2015, will encourage new residents to use rail for the commute or leisure travel.”*
- 6.3 Notwithstanding the strategic importance of the scheme within the Borough it is still necessary to assess the planning application with regard to national and local planning policy.
- 6.4 Section 4 of the NPPF seeks to promote sustainable transport. In particular paragraph 31 places a specific responsibility on local authorities to work with transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development. The enhancement of the existing station therefore wholly accords with the aims of the NPPF, and consequently the application is, in principle acceptable.
- 6.5 The development will result in an increase in vehicle parking spaces from 18 plus 1 disabled space to 41 spaces, 2 disabled spaces, 3 taxi spaces, 3 '20 minute waiting' spaces, 4 motorcycle spaces and cycle stands for 16 bikes. KCC (H+T) confirm that no objection is raised to the application and note that the scheme represents a progression in helping to address the increasing demands on this hub from surrounding developments. In addition, saved policy P7/6 of the TMBLP requires the Council to ensure that the needs of buses and taxis are fully taken into account. The application provides improved bus and taxi access and therefore the application accords with the aims of this policy.
- 6.6 The station building is a Listed Building and the site lies in a CA. The application should therefore also be determined with regard to paragraph 131 of the NPPF. This states that in determining planning applications, local planning authorities should take account of the need to sustain and enhance heritage assets (in this case the Listed Building and Conservation Area) and understand the positive contribution they make, and recognise the need for new development to make a positive contribution to local character and distinctiveness.



- 6.7 Furthermore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a specific duty on LPAs that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.8 Policy CP2 of the TMBCS states that new development should provide for any necessary enhancements to the transport infrastructure whilst avoiding improvements that significantly harm the natural or historic environment or character of the area. The purpose of the development is to carry out these necessary enhancements. With these policies in mind, one key determining issue is therefore whether the proposed works would have any adverse impact on the historic environment, particularly on the setting of the Grade II Listed Station building and the character and appearance of the CA.
- 6.9 As noted Listed Building consent has recently been granted for the refurbishment of the station building. These works are welcomed and will result in an improvement to the fabric and character of the building itself. Similarly the redevelopment of the forecourt will substantially improve the setting of the Listed Building and the appearance of the wider CA. It is acknowledged that the works involve the clearing of vegetation and will introduce increased areas of hardstanding. Nevertheless the alterations will result in much needed visual improvement. The introduction of a specimen tree or other form of landscaping to the new central traffic island may further enhance the area and this can be achieved through the imposition of a planning condition.
- 6.10 More generally, policy CP24 of the TMBCS requires all development to be well designed, respecting the site and its surroundings. This aim is echoed in paragraph 58 of the NPPF which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.
- 6.11 I recognise the concerns of some local residents regarding the redevelopment of the station. The aim is to improve the usage of Snodland station, which local residents assert will lead to an increase in general noise and disturbance. It is the role of the planning system to balance the need for the redevelopment of an existing means of sustainable transport, and the clear emphasis placed on this by central government, against any potential adverse impact on the residential amenity of local residents. Given the location of the station and its relationship with the nearest neighbours, I do not consider that increased use of the station would give rise to a harmful impact in this regard.
- 6.12 Additional lighting is proposed by this application but is considered necessary for the safety of rail users. The dwellings to the east (Churchfield) lie beyond the rail tracks and therefore the proposed works will have little impact. It must also be noted that railway undertakers are able to carry out a range of development on

their operational land, including the erection of lighting and CCTV cameras without the need to submit a planning application. Nevertheless it is appropriate to encourage the rail operator to use the minimal lighting necessary to prevent any adverse impact on adjacent residents. This can be achieved by way of an Informative.

- 6.13 The scheme involves the introduction of additional CCTV cameras. Once again these are to be located within the site, overseeing the car parking areas, cycle store and station entrance. It is not envisaged that any CCTV camera will be directed towards any existing residential dwellings but it is important to recognise that the installation of CCTV by organisations, is covered by the Data Protection Act and any concerns should be directed to this legislation rather than the Planning Acts.
- 6.14 Whilst the scheme involves some shrub removal, the existing mature trees to the western site boundary are to be retained. This will ensure a suitable screen is maintained and will mitigate any impact on the residential amenity of the dwellings to the west (Cantium Place). The dwellings to the south already face onto the public highway (High Street) and have a relationship with the public realm as a result.
- 6.15 I also appreciate the concerns of residents regarding a potential increase in the demand for on street parking. However the proposed increase in the station car parking provision can only be beneficial in highway terms, in my view.
- 6.16 With the above in mind, I consider that the improvements to Snodland station should be welcomed as they will enhance existing transport infrastructure, promote sustainable transport and significantly improve the setting of the Listed Building and the appearance of the CA. I therefore recommend that planning permission be granted.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 17.09.2015, Notice dated 17.09.2015, Other BUS SHELTER dated 17.09.2015, Planning, Design And Access Statement dated 17.09.2015, Photograph dated 17.09.2015, Photo montage 1 dated 17.09.2015, Photo montage 2 dated 17.09.2015, Location Plan dated 17.09.2015, Drawing WSS/273463/C/015 A dated 17.09.2015, Drawing WSS/273463/C/004 T1 dated 17.09.2015, Drawing WSS/273463/C/005 T1 dated 17.09.2015, Drawing WSS/273463/C/006 T1 dated 17.09.2015, Drainage Layout WSS/273463/C/007 T1 dated 17.09.2015, Drainage Layout WSS/273463/C/008 T1 dated 17.09.2015, Drawing WSS/273463/C/010 T3 dated 17.09.2015, Drawing WSS/273463/C/012 T2 dated 17.09.2015, subject to the following conditions:

**Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, including specific details for the central traffic island. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and its wider setting.

- 3 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 4 The areas of hardstanding hereby approved shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site area.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto land outside the ownership of the applicant.

**Informative:**

1. The applicant is advised that the Clean Neighbourhoods and Environment Act has added light pollution to the list of Statutory Nuisances contained within the Environmental Protection Act 1990. It is therefore in their best interests to ensure that any lighting does not affect any nearby neighbours.

Contact: Maria Brown

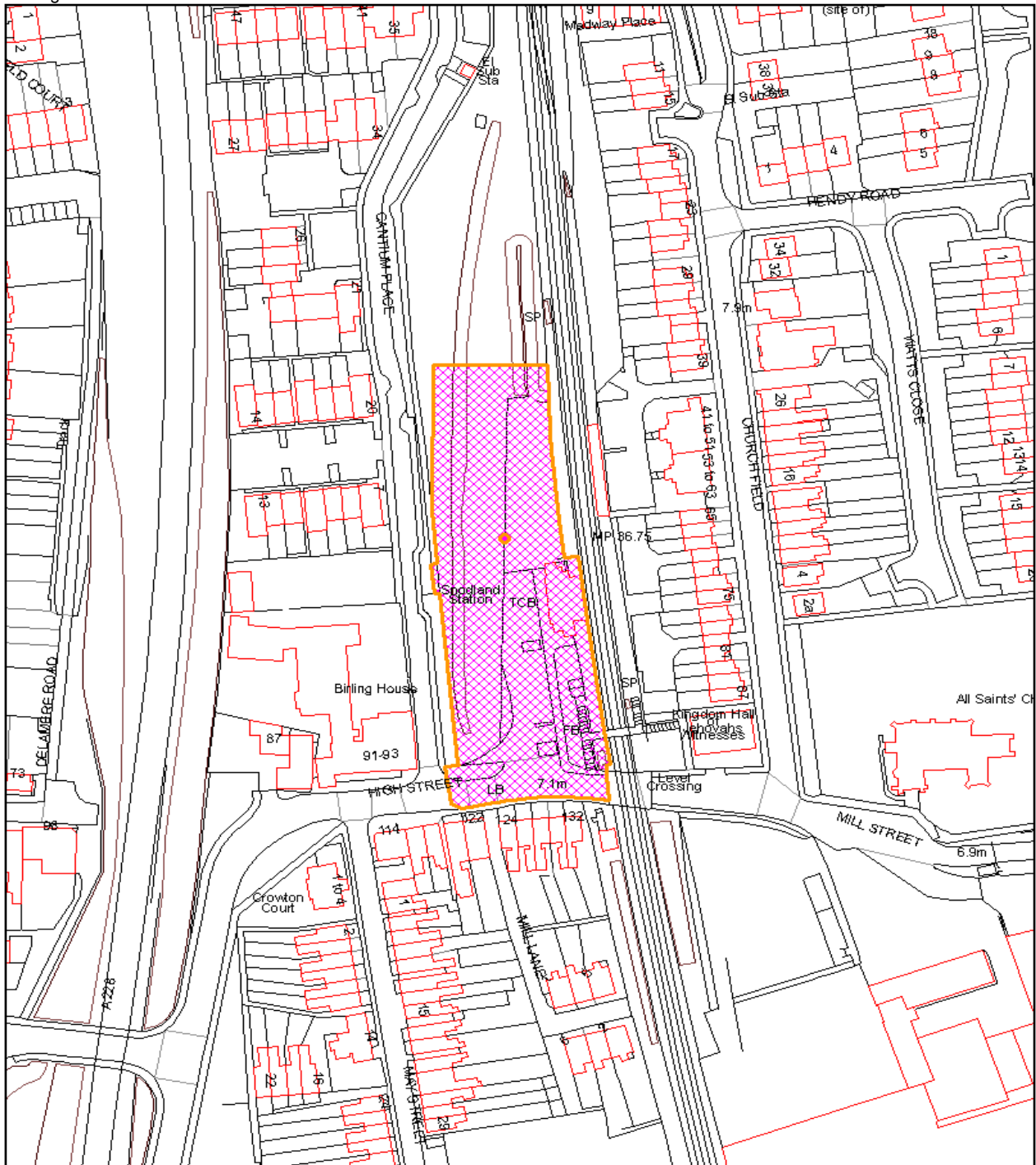
This page is intentionally left blank

**TM/15/03043/FL**

Snodland Railway Station High Street Snodland Kent ME6 5AN

Alterations and improvements to station forecourt

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

**Alleged Unauthorised Development**

**East Malling &  
Larkfield**

**14/00346/USEM**

**569426 155035**

East Malling

Location: Corio Farm 450 Wateringbury Road East Malling West Malling  
Kent ME19 6JJ

---

**1. Purpose of Report:**

- 1.1 To report the unauthorised change in use of agricultural land to land used for the storage of builders waste and rubble and the use of the site for the manufacture of wood chippings and associated storage of chippings.

**2. The Site:**

- 2.1 The site lies within open countryside and outside the rural settlement confines of East Malling. The site lies to the west of Wateringbury Road, just north of its junction with Barming Road. To the north of the access lies 446 Wateringbury Road, whilst to the northwest of the farm complex lies Badgers Dell situated behind a line of conifers. A pond lies to the south of the vehicular access. The site generally rises from the north to the south.
- 2.2 Corio Farmhouse is the first building you approach from the vehicular access off Wateringbury Road. The site contains a number of buildings including a redundant farm shop, a store and garages and a wide variety of blockwork, brickwork and profiled steel clad structures.
- 2.2 The authorised use of the site remains a mix of residential, agricultural and B1 (business) and B8 (storage).

**3. Planning History:**

- 3.1 Members will be aware that there is an extensive planning history involving this site. The historic matters particularly pertinent to this case are as follows:
- 3.2 Enforcement Notice issued on 10<sup>th</sup> December 1991 regarding a change of use of the land to a caravan site. Records indicate that the caravan was removed and the notice complied with in February / March 1994.
- 3.3 TM/05/03699/FL Refused 29.08.2006; Appeal dismissed on 10.09.2007  
Change of use of farm buildings (in part retrospective) to a combination of B1; B2

**4. Alleged Unauthorised Development:**

- 4.1 An area of the site is being used for the storage of builder's waste materials and rubble. Such a use is considered in planning terms as "sui generis" and therefore requires planning permission from the Council.
- 4.2 Another portion of the site is being used for the manufacture of wood chippings and wood chip storage which amounts to a B2 (general industrial) use, which also requires planning permission.

**5. Determining Issues:**

- 5.1 Since activities at the site (summarised at Section 3 of this report) were last reported to Committee, the owner had complied with the Enforcement Notices issued at that time. However, it has become clear that new development has since been undertaken requiring the benefit of planning permission. These are dealt with individually as follows:
- 5.2 A large proportion of the site is now being used to store considerable amounts of builders rubble, waste materials and hard-core. The owner of the site has indicated that these materials are intended to be used for the construction of a new roadway and entrance onto Wateringbury Road. Such a new roadway and access would require the benefit of planning permission from this Authority and to date no such permission has been applied for. It is correct that the materials could be used to maintain the existing internal road ways within the site but again there has been no evidence that this has taken place since the materials were first noted on site. It can therefore only be concluded that the materials are being stored on the site, not in association with any other ongoing works, thus giving rise to an unauthorised change of use of the land in question.
- 5.3 A field which comprises a portion of the farm has historically been in agricultural use but it is clear that since the last enforcement proceedings in respect of the site were concluded, this land has been used for the storage of wood and the production of wood chippings/pulp. Such a use is a B2 use taking place on an area of previous agricultural land. This use has been in operation for less than 10 years and as such is not immune from enforcement action.
- 5.4 Policy CP1 of the TMBCS requires new development to result in a high quality environment and to preserve the quality of the countryside. Policy CP14 of the TMBCS restricts development in the countryside, subject to some specified exceptions. The development in question does not meet any of the criteria set out within policy CP14 and is therefore not acceptable in the broadest of policy terms. Policy CP24 of the TMBCS prevents development which would be detrimental to the amenity or functioning and character of the countryside.



- 5.5 The current nature, scale and extent of the unauthorised uses and associated operations on the site go beyond what is acceptable in this rural location as they have a significant detrimental impact on the appearance of the countryside.
- 5.6 Given the nature of the uses in question, particularly the manufacture of wood chippings which involves noisy processing operations, causes disturbance to the nearest residential properties and is therefore harmful to their residential amenities. For this reason also, the development that is being undertaken is contrary to the requirements of policy CP1 of the TMBCS.
- 5.7 In the circumstances, it is recommended that Enforcement Notices be issued relating to the unauthorised changes of use for the reasons given above.
- 6. Recommendation:**
- 6.1 Enforcement Notices **BE ISSUED** to seek the cessation of the unauthorised uses and removal of all materials, the detailed wording of which to be agreed with the Director of Central Services.

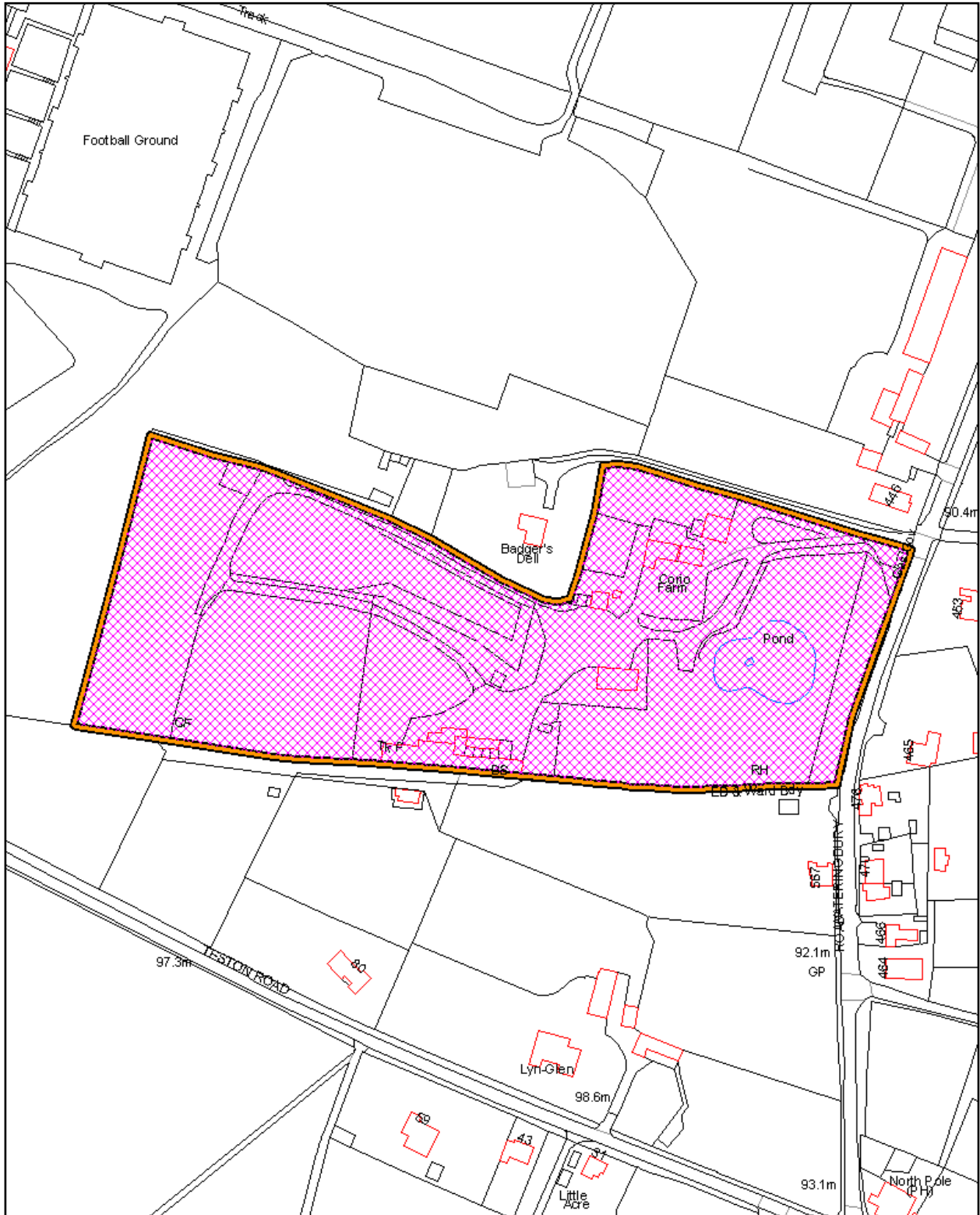
Contact: Richard Edmonds

This page is intentionally left blank

14/00346/USEM

Corio Farm 450 Watringbury Road East Malling West Malling Kent ME19 6JJ

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

# Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

This page is intentionally left blank